

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RONALD SATISH EMRIT,

Plaintiff(s),

v.

ELON MUSK, et al.,

Defendant(s).

CASE NO. C25-0118-KKE

ORDER DISMISSING COMPLAINT

Plaintiff, representing himself and proceeding *in forma pauperis*, filed this action against Defendants Elon Musk, Vivek Ramaswamy, Speaker of the House Mike Johnson, and the Department of Government Efficiency, seeking \$500 billion in damages and injunctive relief. Dkt. No. 10.

When a litigant proceeds *in forma pauperis*, the Court must dismiss the case if the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2). A complaint is frivolous or malicious if it duplicates other federal lawsuits. *See, e.g., Adams v. Calif. Dep’t of Health Servs.*, 487 F.3d 684, 688 & n.1 (9th Cir. 2007), *overruled in part on other grounds by Taylor v. Sturgell*, 553 U.S. 880 (2008) (affirming a district’s dismissal with prejudice of plaintiff’s “later-filed complaint [that] is duplicative of her earlier-filed complaint” because the filing of a duplicative complaint is abusive); *Hagos v. Wash. State Dep’t of Corrections*, No. 2:24-

1 cv-00293-JNW-BAT, 2024 WL 1417759, at \*1 (W.D. Wash. Mar. 12, 2024) (explaining that 28  
2 U.S.C. § 1915 “does not define ‘frivolous or malicious,’ but courts have uniformly agreed that, at  
3 a minimum, a malicious lawsuit is one that is duplicative of another federal lawsuit involving the  
4 same plaintiff and defendant”).

5 Even if Plaintiff’s complaint is construed liberally, as it must be because Plaintiff is  
6 representing himself, the Court finds that it is frivolous. Plaintiff has filed the identical complaint  
7 in approximately 30 actions across the country. *See, e.g., Emrit v. Musk*, No. CV-25-08-BLG-  
8 SPW-TJC, 2025 WL 1057060, at \*1 n.2 (D. Mont. Mar. 20, 2025) (listing cases). Plaintiff first  
9 filed a version of this complaint in the Western District of New York on January 6, 2025 (*see id.*,  
10 2025 WL 1057060, at \*1 n.1), and filed this action on January 13, 2025. Dkt. No. 1.

11 The Court agrees with the United States District Court for the District of Montana that  
12 Plaintiff’s complaint is frivolous because it is identical to a complaint first filed in other federal  
13 courts, and that, under the first-to-file rule, dismissal is the appropriate course of action. *See Emrit*,  
14 2025 WL 1057060, at \*2 (“Plaintiff filed the exact same Complaint, against the same Defendants,  
15 in multiple courts before he reached the District of Montana. As such, simultaneous adjudication  
16 of these cases would waste court resources and undermine judicial efficiency.”).

17 Typically, a plaintiff representing himself should be afforded an opportunity to cure any  
18 deficiencies in his complaint before it is dismissed. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir.  
19 2000). Extending this opportunity would be futile here, however, because Plaintiff’s complaint is  
20 duplicative and therefore “inherently frivolous.” *Emrit*, 2025 WL 1057060, at \*2. Accordingly,  
21 Plaintiff’s complaint is dismissed without leave to amend. *See Lopez*, 203 F.3d at 1127 n.8 (“When  
22 a case may be classified as frivolous or malicious, there is, by definition, no merit to the underlying  
23 action and so no reason to grant leave to amend.”).

1 For these reasons, Plaintiff's complaint is DISMISSED, without leave to amend, as  
2 frivolous or malicious under 28 U.S.C. § 1915(e)(2).

3 Dated this 7th day of May, 2025.

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6 Kymberly K. Evanson  
7 United States District Judge  
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